

Appl. No. : **10/829,631**
Filed : **April 22, 2004**

AMENDMENTS TO THE DRAWINGS

Please replace Figure 10 with the enclosed amended Figure 10.

In the amended drawing, the "words" have been illustrated in the region between the ledge and the tread. The specification as filed provides support for this amendment in at least Paragraph 50, lines 3-6. Thus, the amendment to the drawing introduces no new matter.

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SUMMARY OF INTERVIEWS

The Examiner's Interview Summary accurately describes the nature of the telephonic interviews with Applicant's counsel. In various telephone conferences, the Examiner and Applicant's counsel discussed the prior art references cited by Applicants and the Examiner. The Examiner submitted two proposed amendments to the claims, and Applicant's counsel proposed various modifications to these amendments, including the removal of language relating to the rigidity of the flange seat, as well as the addition of language shown in handwriting in attached Appendix B and the addition of the language in the e-mail in attached Appendix C. No agreement was reached, and the Examiner issued the Office Action of June 29, 2005.

The Examiner and Applicant's counsel have also had several brief telephone conversations regarding this application, primarily discussing procedural and application status issues. On August 30, 2005, Applicant's counsel and the Examiner discussed the amended language of Claim 31 regarding the positioning of the words. The Examiner indicated that she would review the prior art again after receiving the amendment. No agreement was reached at that time.

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REMARKS

In the Office Action mailed on June 29, 2005, the Examiner raised a restriction requirement, objected to the specification, and rejected the claims under 35 U.S.C. § 112 and 102(b). Before entry of this response, Claims 1-42 were pending in this application. In this response, Claims 1-30 have been withdrawn, Claims 31 and 32 have been amended, Claims 33 and 34 have been cancelled, and new Claims 43-49 have been added.¹

Regarding the restriction requirement, Applicants confirm the election of Claims 31-42 in the Group III as set forth by the Examiner without prejudice.

Regarding the objections to the specification, Applicants have updated the priority claim to include additional information about the status of a priority application, and Applicants have made additional amendments to the specification. None of the amendments to the specification introduce any new matter. In Paragraph 49, Applicants have followed the Examiner's suggestion to explicitly recite the width of the flange seat, and Applicants have also pointed out and made explicit the reason why the specification and drawings as originally filed disclosed that the outer radial location of the wheel protector can be slightly larger than the outer flange. Neither of these amendments add any new matter, and Applicants do not agree that the amendments are necessary to provide support or clarification for any claims.

Regarding the rejections to the claims, the Examiner asserted that Claims 31-42 were anticipated by U.S. Patent Nos. 4,856,572 to Casanova and 4,319,618 to Suzuki. Applicants request that the Examiner withdraw these rejections. The Casanova patent discloses an extremely large tire intended for off-road use with loading, earth-moving, and transportation equipment. See col. 1, lines 7-10; col. 4, lines 7-8 (tire wall is 585 mm - nearly two feet high).

¹ The amendments to the claims do not introduce any new matter. In Claim 31, the language relating to "words" positioned on the outboard tire wall is supported by at least Paragraph 50 of the specification; the language relating to the length of the outboard tire wall is supported by at least Paragraph 54; the language relating to the width of the ledge is supported by at least Paragraph 48; and the language relating to the width of the flange seat is supported for at least the reasons given by the Examiner in the Office Action at pg. 4. The new claims are supported by at least the following: Claim 43 - Paragraph 54; Claim 44 - Paragraph 47; Claim 45 - Paragraph 48; Claims 46 and 47 - Paragraph 48; Claims 48 and 49 - Figure 11; and Claims 50 and 51 - Paragraph 49.

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The Casanova patent does not disclose any extended flange on the wheel, nor the positioning of any words on the radially outward side of the tire wall. In Casanova, the radially inward portion of the tire would not be obscured during use, and the enormous Casanova tire provides ample area for all necessary words, such as tire specifications and warnings, to be positioned in the customary location on the radially inward side near the outboard bead. Similarly, Suzuki also discloses a very large off-road tire, see, e.g., col. 4, line 50, with a proportionately small radially outward area. Suzuki does not disclose or suggest positioning any words in this region of the tire wall. Thus, neither Casanova nor Suzuki disclose or suggest the claimed inventions.

Moreover, regardless of whether positioning words on the radially outward region has been performed in the past on conventional tires, one of ordinary skill in the art would be discouraged from positioning words in the radially outward region on a tire with a higher wheel protector or an extended flange seat due to increased space constraints in this region. The cited prior art does not relate to creating the appearance of a low-profile tire mounted on a larger wheel with an extended flange and thus there is no disclosure, motivation, or suggestion to move the wording away from the conventional locations.

This application is believed to be in condition for allowance. If any issues remain outstanding, the Examiner is encouraged to contact the undersigned counsel to expedite allowance of this application. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/7/05

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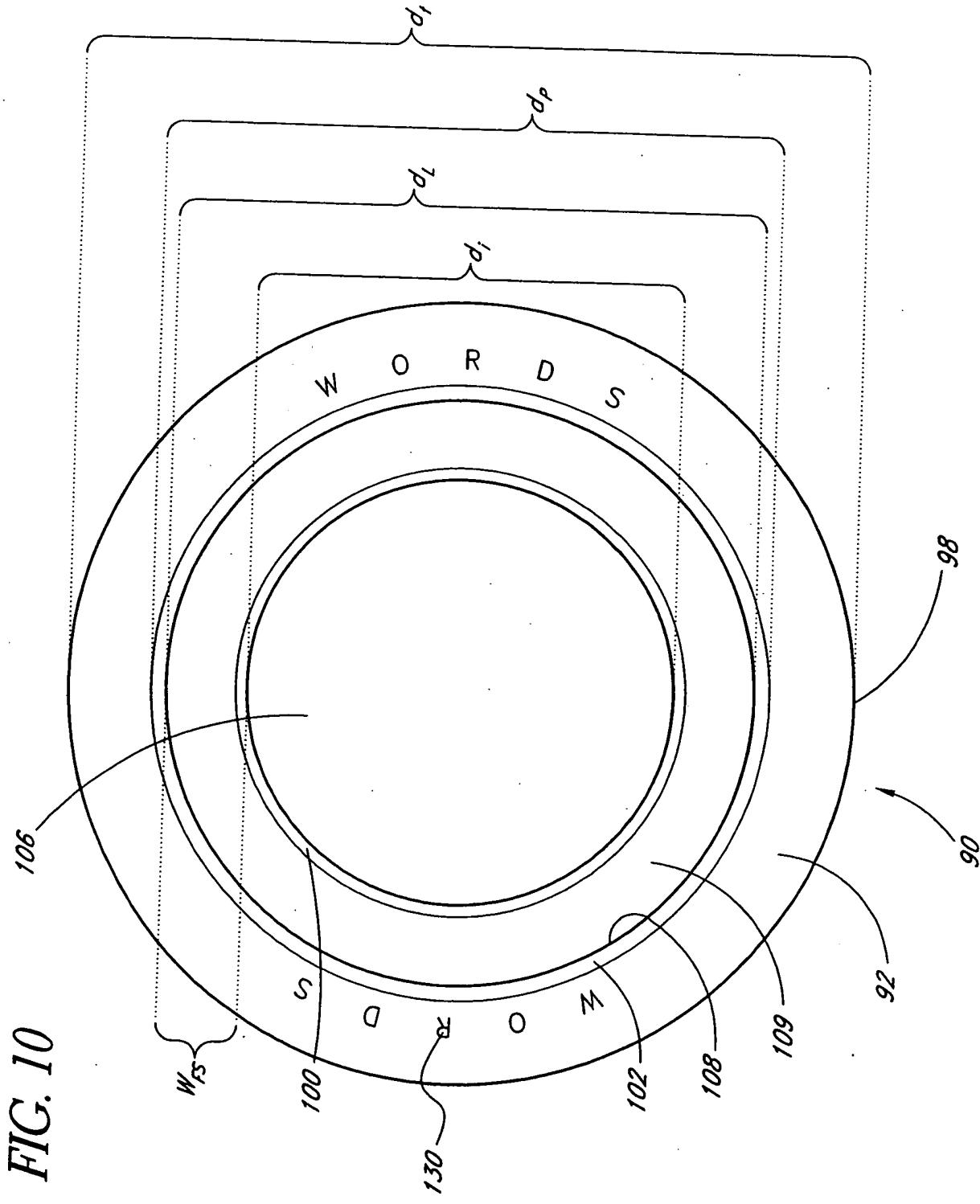
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APPENDIX A



TIRE WITH EXTENDED FLANGE SEAT
Frank J. Hodges et al.
Appl. No.: Unknown Atty Docket: LEXANI.032C2

10/13



APPENDIX B

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Art Unit: 1733

claim 31, to eliminate new matter, to distinguish over the prior art, and to clarify the definition of the terms "flange seat" and "bead" as set forth in the specification and drawings (see paragraphs 0047-0051 and Figure 11), has been rewritten as -

31. (currently amended) A tire for enhancing a simulated appearance of a large-diameter wheel mounted within a low-profile tire, the tire comprising:

an outboard tire wall with a wheel protector, a ledge defining the inner diameter of the wheel
protector and extending substantially in the tire axial direction, and a flange seat [and] including an
outboard bead, an inboard tire wall with an inboard bead, and a tread therebetween, ^{OUTBOARD} _{THE INBOARD AND OUTBOARD TIRE}
WALLS
the beads being comprised of indented rings formed on the inner radial edges of the
respective inboard and outboard tire walls;

the wheel protector extending in the outboard direction further than any portion of the
outboard tire wall in the flange seat:

the flange seat having an inner diameter, an outer diameter, and a width therebetween, the
inner diameter being the inner diameter of the outboard tire wall and the outer diameter being the
diameter of the ledge, the flange seat extending substantially outward beyond the outboard bead and
being configured to receive an extended flange attached to the wheel to simulate a low-profile tire
mounted on a large-diameter wheel [and the outboard bead having an inner diameter, an outer
diameter, and a width therebetween, wherein at least a portion of the outboard tire wall in a region
positioned radially outwardly from the flange seat extends further in the outboard direction than any

portion of the tire wall in the flange seat];

IN THE INBOARD DIRECTION

the flange seat being located further axially inward than any part of the outboard tire wall
which is outwardly adjacent to the portion of the outboard tire wall including the wheel protector;

and

FROM AND IMMEDIATELY

POSITION

APPENDIX C

Paul Conover

From: Paul Conover
Sent: Thursday, March 31, 2005 5:21 PM
To: 'adrienne.johnstone@uspto.gov'
Subject: Interview today

Hello Examiner Johnstone,

During our telephone conversation today, I read through the functional language in the last part of my proposed amendment rather quickly and I'm not sure if I allowed sufficient time for you to write it down. For your convenience, here is the language that I proposed: "the flange seat comprising a substantial concavity in the region between the outboard bead and the ledge configured to receive an extended flange attached to a wheel to simulate a low-profile tire mounted on a large-diameter wheel".

Thanks for taking the time to speak with me today.

-Paul Conover.